

USSN 10/797,589
Response to August 31, 2010 Office Action
Amendment dated January 20, 2011

REMARKS

The Office Action of August 31, 2010 has been received and considered. Claims 1-36 are pending in this application. Claims 1 and 21 have been amended.

Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

Section 102

Claims 1, 2, 7-11, 15, 19, 21, 22, 26-29, and 33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,365,351 to Doerschuk et al ("Doerschuk"). This rejection is respectfully traversed.

Doerschuk fails to disclose or make obvious a swimsuit body configured to be stretched over a swimmer's body such that the entire swimsuit body provides a conforming fit on a swimmer's body and substantially an entire interior surface of the swimsuit body is in contact with a swimmer's body when the swimsuit body is worn by a user, and has a resilient seal having an interior surface, wherein an exterior surface of the resilient seal is opposite and substantially parallel to the interior surface of the resilient seal and is completely exposed to an exterior of the swimsuit body, as required by independent claims 1 and 21.

Doerschuk describes its diver's suit 10 as a "somewhat loosely fitting body covering" at col. 2, lines 29-32. Not only does Doerschuk not disclose the required swimsuit body **configured to be stretched over a swimmer's body such that the entire swimsuit body provides a conforming fit on a swimmer's body where substantially an entire interior surface of the swimsuit body is in contact with a swimmer's body when the swimsuit body**

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is worn by a user, Doerschuk actually teaches away from such a swimsuit body. Applicant notes that, by design, the majority of the drysuit of Doerschuk is loosely fitting and spaced from the user's body. One skilled in the art would naturally be taught away from modifying a loose-fitting dry suit to have its interior surface in contact with a swimmer's body.

Accordingly, the rejection is improper and should be withdrawn.

Section 103

Claims 1-3, 5, 6, 9-111, 13, 19-25, 28, 29, 31, and 33 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,088,032 to Newman ("Newman") in view of Doerschuk. This rejection is respectfully traversed.

Newman fails to overcome the deficiencies of Doerschuk discussed above.

Accordingly, the rejection is improper and should be withdrawn.

Conclusion

It is respectfully submitted that the pending claims are in form for allowance. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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